

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Anthony & Deborah Muns

Case No.: 16-12495
Judge: JNP
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 11/28/16

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

\$5,625 paid to date;then:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 818 per month to the Chapter 13 Trustee, starting on
December 2016 for approximately Final 51 months. (60 months total)

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Jenkins & Clayman	Legal Fees	\$300 for this modified plan.

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M&T Bank a/k/a Lakeview Manor Servicing, LLC	Residence	\$3,353.65 in pre petition arrears and \$8,000 in post petition arrears	N/A	\$11,253.65	Resume December 2016

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
PNC Bank	Cadillac vehicle	\$15,470	\$13,000	N/A	\$13,000 cramdown	4.75%	\$14,300 cramdown

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
M&T Bank (mortgage on residence)

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ 10,000 to be distributed *pro rata*
☐ Not less than _____ percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Citibank, N.A.	Residence	Judicial	\$5,000 (estimate after partial payment)	\$93,000	\$1,000	Over \$93,000	Entire judgment lien to be avoided by Chapter 13 discharge

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Citibank, N.A.	Residence	\$5,000 (estimate)

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
PNC Bank	Cadillac vehicle	\$14,300 cramdown includes interest	Any remaining balance

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Jenkins & Clayman
- 3) PNC Bank (paid in first 48 months of plan) M&T Bank
- 4) Unsecured creditors who file timely proofs of claim

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 3/16/16.

Explain below **why** the plan is being modified:

Include pre and post petition mortgage payment in Chapter 13 plan.

Explain below **how** the plan is being modified:

Include mortgage arrears to M&T Bank a/k/a Lakeview Loan Servicing, LLC inside plan. Post petition payments to resume outside plan December 1, 2016.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 11/28/16

/s/Eric J Clayman
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 11/28/16

/s/Anthony Muns
Debtor

Date: 11/28/16

/s/Deborah Muns
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Anthony O. Muns
 Deborah A. Muns
 Debtors

Case No. 16-12495-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 64

Date Rcvd: Dec 02, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 04, 2016.

db/jdb
 515994703 +Anthony O. Muns, Deborah A. Muns, 2854 Polk Avenue, Camden, NJ 08105-4020
 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)
 515994702 Bank of America, PO Box 15019, Wilmington, DE 19886-5019
 516069640 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 515994704 Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 516172281 CAPITAL ONE, N.A., C/O BECKETT AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701
 515994705 +Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 516022209 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515994707 Chase Card, PO Box 15298, Wilmington, DE 19850-5298
 515994708 +Chase/Bank One, PO Box 15298, Wilmington, DE 19850-5298
 515994710 +Citibank, N.A., c/o Tenaglia & Hunt, 295 West Passaic Street, Ste 205,
 Rochelle Park, NJ 07662-3002
 515994709 +Citibank, N.A., 701 E. 60th Street N., Sioux Falls, SD 57104-0493
 515994711 +Comenity Bank/FLLBEAUTY, PO Box 182789, Columbus, OH 43218-2789
 515994712 +Comenity Bank/JSSCLNDN, PO Box 182789, Columbus, OH 43218-2789
 515994713 Comenity Bank/My BJ's Perks, PO Box 659450, San Antonio, TX 78265-9450
 515994714 +Comenity Bank/Roamans, PO Box 182789, Columbus, OH 43218-2789
 516120702 +Credit First NA, PO Box 818011, Cleveland, OH 44181-8011
 515994715 Credit First National Association, PO Box 81315, Cleveland, OH 44181-0315
 515994716 +Credit One Bank, c/o Midland Funding LLC, 2365 Northside Drive, Ste 300,
 San Diego, CA 92108-2709
 515994720 Fingerhut, PO Box 166, Newark, NJ 07101-0166
 515994721 Firestone, PO Box 81307, Cleveland, OH 44181-0307
 515994724 +Macy's, PO Box 8218, Mason, OH 45040-8218
 516170664 +Midland Funding, LLC, P.O. Box 2011, Warren, MI 48090-2011
 516220359 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982
 515994728 PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180
 515994736 The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 515994737 +The Home Depot/Citibank, N.A., c/o Slater Tenaglia Fritz & Hunt,
 395 W. Passaic Street, Ste 205, Rochelle Park, NJ 07662-3016
 515994738 +Town & Country Acceptance Corporation, 13521 Old Hwy 280, Ste 109,
 Birmingham, AL 35242-1406
 516202946 +Velocity Investments LLC, c/o JD Receivables LLC, P. O. Box 382656, Memphis TN 38183-2656
 515994740 +Wells Fargo, PO Box 1416, Charlotte, NC 28201-1416
 515994741 +Wells Fargo Card Service, PO Box 14517, Des Moines, IA 50306-3517
 516222211 +Wells Fargo Card Services, 1 Home Campus 3rd Floor, Des Moines, IA 50328-0001
 515994742 +Worden and Associates, 15455 Dallas Pkwy, Ste 600, Addison, TX 75001-6760

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Dec 02 2016 23:22:36 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Dec 02 2016 23:22:32 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

cr +E-mail/Text: bankruptcy@southjerseyfcu.com Dec 02 2016 23:22:34 South Jersey FCU,
 1615 Hurffville Road, PO Box 5530, Deptford, NJ 08096-0530

515998361 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 02 2016 23:24:54
 American InfoSource LP as agent for, Spot Loan, PO Box 248838,
 Oklahoma City, OK 73124-8838

515994706 +E-mail/Text: roy.buchholz@allianceoneinc.com Dec 02 2016 23:21:46 Capital One Bank,
 c/o Alliance One Receivables, PO Box 3111, Southeastern, PA 19398-3111

515994717 +E-mail/Text: kthompson@crownasstet.com Dec 02 2016 23:22:35 Crown Asset Management, LLC,
 3100 Breckenridge Blvd, Ste 725, Duluth, GA 30096-7605

515994718 +E-mail/PDF: gecsed@recoverycorp.com Dec 02 2016 23:24:20
 Crown Asset Management/Synchrony Bank, PO Box 965064, Orlando, FL 32896-5064

515994719 E-mail/Text: mrdiscen@discover.com Dec 02 2016 23:21:47 Discover, PO Box 71084,
 Charlotte, NC 28272-1084

516017830 +E-mail/Text: mrdiscen@discover.com Dec 02 2016 23:21:47 Discover Bank,
 Discover Products Inc, POB 3025, New Albany Ohio 43054-3025

515994722 E-mail/Text: bnckohlsnotices@becket-lee.com Dec 02 2016 23:21:56 Kohl's, PO Box 2983,
 Milwaukee, WI 53201-2983

516217196 E-mail/PDF: resurgentbknofications@resurgent.com Dec 02 2016 23:24:27

LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

516173754 E-mail/Text: camanagement@mtb.com Dec 02 2016 23:22:18 Lakeview Loan Servicing, LLC,
 c/o M&T Bank, P.O. Box 840, Buffalo, NY 14240-0840

515994723 E-mail/Text: camanagement@mtb.com Dec 02 2016 23:22:18 M&T Bank, PO Box 900,
 Millsboro, DE 19966

515994725 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 02 2016 23:22:32 Midland Credit Mgmt, Inc.,
 8875 Aero Drive, Ste 200, San Diego, CA 92123-2255

515994726 +E-mail/PDF: cbp@onemainfinancial.com Dec 02 2016 23:24:45 One Main Financial,
 6801 Colwell Blvd, Irving, TX 75039-3198

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 64

Date Rcvd: Dec 02, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516217814 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 02 2016 23:36:48
Portfolio Recovery Associates, LLC, c/o Best Buy, POB 41067, Norfolk VA 23541
516222146 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 02 2016 23:24:09
Portfolio Recovery Associates, LLC, c/o One Main Financial, POB 41067, Norfolk VA 23541
516222177 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 02 2016 23:36:48
Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,
Norfolk VA 23541
515994727 +E-mail/PDF: gecsed@recoverycorp.com Dec 02 2016 23:24:43 Pep Boys/Synchrony Bank,
PO Box 960061, Orlando, FL 32896-0061
516114071 E-mail/Text: bnc-quantum@quantum3group.com Dec 02 2016 23:22:22
Quantum3 Group LLC as agent for, Crown Asset Management LLC, PO Box 788,
Kirkland, WA 98083-0788
516104209 E-mail/Text: bnc-quantum@quantum3group.com Dec 02 2016 23:22:21
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
516127206 E-mail/Text: bnc-quantum@quantum3group.com Dec 02 2016 23:22:22
Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
Kirkland, WA 98083-0788
516040018 E-mail/Text: bnc-quantum@quantum3group.com Dec 02 2016 23:22:22
Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
Kirkland, WA 98083-0788
515994730 +E-mail/PDF: gecsed@recoverycorp.com Dec 02 2016 23:24:20 SYNCB/Amazon, PO Box 956015,
Orlando, FL 32896-0001
515994731 +E-mail/PDF: gecsed@recoverycorp.com Dec 02 2016 23:24:21 SYNCB/JC Penney, PO Box 965007,
Orlando, FL 32896-5007
515994732 E-mail/PDF: gecsed@recoverycorp.com Dec 02 2016 23:24:20 SYNCB/Sams, PO Box 965005,
Orlando, FL 32896-5005
515994733 E-mail/PDF: gecsed@recoverycorp.com Dec 02 2016 23:24:43 SYNCB/Walmart, PO Box 965024,
Orlando, FL 32896-5024
515994729 E-mail/Text: bankruptcy@southjerseyfcu.com Dec 02 2016 23:22:34
South Jersey Federal Credit Union, PO Box 5530, Woodbury, NJ 08096-0530
515994734 +E-mail/Text: bankruptcy@td.com Dec 02 2016 23:22:38 TD Bank, PO Box 219,
Lewiston, ME 04243-0219
515994735 +E-mail/Text: bankruptcy@td.com Dec 02 2016 23:22:38 TD Bank, 1701 Route 70 East,
Cherry Hill, NJ 08003-2335
515994739 +E-mail/Text: bnc-bluestem@quantum3group.com Dec 02 2016 23:23:09 WebBak/Fingerhut,
6250 Ridgewood Road, Saint Cloud, MN 56303-0820

TOTAL: 31

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 04, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 30, 2016 at the address(es) listed below:

Eric Clayman on behalf of Joint Debtor Deborah A. Muns jenkins.clayman@verizon.net
Eric Clayman on behalf of Debtor Anthony O. Muns jenkins.clayman@verizon.net
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Joshua I. Goldman on behalf of Creditor Lakeview Loan Servicing, LLC jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
Robert J. Malloy on behalf of Creditor South Jersey FCU ecf.rjmalloylaw@gmail.com

TOTAL: 6